

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

MONTY C PEPPER  
plaintiff

V

THOMAS CARROLL  
BAMBI THOMAS  
THOMAS SEACORD  
JAMES GARDELS

C.A.NO. 05-084-JJF

CLERK, U.S. DISTRICT COURT  
DISTRICT OF DELAWARE

FEB 17 2006

FILED  
*MC*PLAINTIFFS RESPONSE TO AND MEMORANDUM IN RESPONSE TO  
DEFENDANTS MOTION TO DISMISS/SUMMARY JUDGEMENT

Plaintiff Request The Honanbal Court denie  
The Defendants motion To Dismiss / summary judgement  
where The facts within The following memorandum  
will show That Plaintiff was in fact denied access  
To counsel and suffered mental as well as physical  
damage at The hands of The Defendants and as  
The added amendment shows That Deliberate Indifference  
standard has been crossed by The continued absence  
of Remedy To Plaintiffs Health and Mental needs

As in Hicks v Frey 992 F2d 1450 6ct 1993) states Extreme  
conduct by castodians That cause sever emotional distress is  
sufficient and in Scherr v Engelke 943 F3d 921 8<sup>th</sup> cir 1981 evidence  
of fear mental anguish and misery can establish The requisit  
injury for Eight Amendment Claim 112 s CT 1516 (1992)

as well as Hellings v McKenny , unsafe conditions That pose  
an unreasonable risk of serious damage To a prisoners future  
health may violate The 8 amendment even if The damage has not  
yet occurred and may not affect every prisoner exposed To

The Conditions deliberate Indifference a standard of recklessness which permits defendants To be held liable based on what They "should" have known or what was obvious if prison officials know That conditions are objectively cruel and Fail To remedy Them They are deliberate Indifference  
The Defendants were aware

I request The Court To deny Defendants Motion and or stay so Plaintiff can gather and catalogue The 100+ documents grievance copys sick call copys as well as responses To Affidavits and Prothonotary Defendant is still limited To Time in Law Library



Monty Pepper